



United States Government

NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SW
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August 22, 2018

Jacqueline Godoy
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Re: Remington Lodging & Hospitality, LLC d/b/a Hyatt Regency-Wind Watch
Case 29-CA-093850

Dear Ms. Godoy and Mr. Terrell:

This letter acknowledges the Respondent's Motion to Dismiss the Motion for Partial Summary Judgment filed by Counsel for the General Counsel (CGC) on August 2, 2018. The basis for your motion is that the CGC improperly filed the Motion for Partial Summary Judgment with the Division of Judges, rather than with the Board, contrary to the requirements of Section 102.24(a) of the Board's Rules and Regulations.

In accordance with the Board's practice, the Division of Judges had transferred the CGC's Motion to the Board, noting the filing date of August 2, 2018. The Board has held that misfiling of pleadings is not grounds for dismissal, absent a showing of prejudice. See, e.g., *Harry Asato Painting, Inc.*, 20-CA-124382 & 20-CA-125157 (unpublished Order, fn. 3, 10/20/14). Thus, it is the Board's general policy to accept filings that were inadvertently sent to another office of the Agency so long as the misfiling was timely, the other parties were served, and the errant filing was transmitted to the Board or the filer promptly corrected its misfiling.

Here, the CGC's August 2 filing was timely; the affidavit of service shows it was served on Karl Terrell on August 2; and the filing was transmitted by the Division of Judges to the Board. Under these circumstances, the Executive Secretary's Office has accepted the CGC's filing and transmitted it to the Board for consideration.

Accordingly, the Respondent's Motion to Dismiss is **denied**.

Very truly yours,

Leigh A. Reardon
Associate Executive Secretary

cc: Regional Director
Parties